

United States Court of Appeals
For the Eighth Circuit

No. 16-1201

United States of America

Plaintiff - Appellee

v.

Cesar Ramon Avila-Hernandez, also known as Caesar Ramon Avila Hernandez

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Springfield

Submitted: October 4, 2016

Filed: October 7, 2016

[Unpublished]

Before WOLLMAN, ARNOLD, and GRUENDER, Circuit Judges.

PER CURIAM.

Cesar Avila-Hernandez directly appeals the district court's¹ judgment entered upon a jury verdict finding him guilty of conspiracy to distribute methamphetamine,

¹The Honorable Beth Phillips, United States District Judge for the Western District of Missouri.

and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. His counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sufficiency of the evidence.

According to the trial testimony of law enforcement officials and cooperating witnesses, Avila-Hernandez was one of the California sources for a drug-distribution conspiracy that involved transporting methamphetamine from Arizona and California to Missouri. Testimony was also provided describing an instance when Avila-Hernandez supervised a courier who transported methamphetamine in her car from California to Missouri. Specifically, shortly before the courier left for Missouri, she met Avila-Hernandez in California, and he picked up her car and kept it for an hour and a half for a “tune up.” After the courier left in her car, she stayed in touch with Avila-Hernandez. He gave her instructions and tracked the car using a device and his cellular phone during her drive to Missouri. After she arrived, Avila-Hernandez and an associate flew to the local Missouri airport, where a cooperating witness met them. Avila-Hernandez retrieved the courier’s car from her the next day at a hotel. He was stopped and arrested shortly after he left in her car, and the officers found ten pounds of methamphetamine hidden in a compartment of the car. The jury found Avila-Hernandez guilty, and the district court sentenced him to 240 months in prison, the statutory minimum.

We conclude that the evidence supports Avila-Hernandez’s convictions. *See United States v. Ramirez*, 362 F.3d 521, 524 (8th Cir. 2004) (reviewing court views the evidence in the light most favorable to the verdict, accepting all reasonable inferences which tend to support jury verdict, and reversing only if no reasonable jury could have found defendant guilty beyond reasonable doubt); *United States v. Vazquez-Garcia*, 340 F.3d 632, 636-38 (8th Cir. 2003). In addition, after reviewing the record independently under *Penon v. Ohio*, 488 U.S. 75 (1988), we find no

nonfrivolous issue for appeal. We affirm the judgment of the district court. We also grant counsel's motion to withdraw, and deny Avila-Hernandez's motion to file a pro se brief out of time.
